

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TIMOTHY EDISON,

Plaintiff,

-against-

THE CITY OF NEW YORK; LIEUTENANT ALUTHEA
CAVINESS; POLICE OFFICER RICHARD SCHEBLEIN;
POLICE OFFICER MICHAEL FEDELE; POLICE OFFICER
CHRISTOPHER SHARRETT; and JOHN AND JANE DOE 1
through 10, individually and in their official capacities (the names
John and Jane Doe being fictitious, as the true names are
presently unknown),

Defendants.

**STIPULATION AND
ORDER OF
SETTLEMENT OF
ATTORNEYS' FEES,
EXPENSES, AND COSTS**

13-CV-7053 (PKC) (VMS)

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WHEREAS, plaintiff Timothy Edison commenced this action by filing a
complaint on or about December 10, 2013, alleging that defendants City of New York ("City")
and John and Jane Does 1-10 violated his federal civil rights and state common law rights; and

WHEREAS, plaintiff filed an amended complaint on or about June 11, 2014,
alleging that defendants City, Lieutenant Aluthea Caviness, and Police Officer Richard
Scheblein violated his federal civil rights and state common law rights; and

WHEREAS, plaintiff filed a second amended complaint on or about August 14,
2014, alleging that defendants City, Lieutenant Aluthea Caviness, Police Officer Richard
Scheblein, Officer Michael Fedele, and Officer Christopher Sharrett violated his federal civil
rights and state common law rights; and

WHEREAS, defendant City of New York served a Rule 68 Offer of Judgment on
September 16, 2014,

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WHEREAS, plaintiff accepted defendant City of New York's Rule 68 Offer of Judgment on September 30, 2014; and

WHEREAS, all defendants deny any and all liability arising out of plaintiff's allegations; and

WHEREAS, plaintiff's counsel represents that plaintiff has assigned all of his rights to attorneys' fees, expenses, and costs to his counsel, Robert Marinelli, Esq.; and

WHEREAS, counsel for defendants and counsel for plaintiff now desire to resolve the issue of attorneys' fees, expenses, and costs without further proceedings;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the respective parties to the above-captioned action, as follows:

1. Plaintiff has assigned his rights to attorneys' fees, expenses, and costs to his attorney Robert Marinelli, Esq.

2. Defendant City of New York hereby agrees to pay plaintiff's counsel, Robert Marinelli, Esq., the total sum of Seventeen Thousand, Five Hundred (\$17,500.00) Dollars in full satisfaction of plaintiff's claims for attorneys' fees, expenses, and costs. In consideration for the payment of Seventeen Thousand, Five Hundred (\$17,500.00) Dollars, counsel for plaintiff agrees to release and discharge the defendants, their successors and assigns, and any present or former employees and agents of the City of New York, or any entity represented by the Office of the Corporation Counsel, from any and all claims of attorneys' fees, expenses, and costs that were or could have been alleged in the aforementioned action.

3. Counsel for plaintiff hereby agrees and represents that no other claims for attorneys' fees, expenses, or costs arising out of this action shall be made by or on behalf of plaintiff or plaintiff's counsel at any time in the future.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules or regulations of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations, except to enforce the terms of this agreement.

5. This Stipulation and Order contains all the terms and conditions agreed upon by counsel for defendants and counsels for plaintiff hereto, and no oral agreement entered

into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of attorneys' fees, expenses, or costs shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
November 13, 2014

ROBERT MARINELLI, ESQ.
Attorney for Plaintiff
305 Broadway, 9th Floor
New York, New York 10007

ZACHARY W. CARTER
Corporation Counsel of the City of New York
*Attorney for Defendants City, Caviness, Fedele,
Sharrett, and Scheblein*
100 Church Street
New York, New York 10007

By: 

Robert Marinelli

By: 

Theresa D'Andrea
Assistant Corporation Counsel

SO ORDERED:

HON. PAMELA K. CHEN
UNITED STATES DISTRICT JUDGE

Dated: _____, 2014